



PATENT
PF00486 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of:) Examiner: unknown
Garry M. Steil et al.)
Serial No.: 10/816,021) Art Unit: 3736
Filed: March 31, 2004)
For: CLOSED-LOOP METHOD FOR)
CONTROLLING INSULIN INFUSION)
)

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b).
2. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either:
 - (1) a final action under §1.113 or
 - (2) a notice of allowance under §1.311
 - (3) or an action that otherwise closes prosecution.

CERTIFICATION OR FEE

- A. Included with this transmittal is
- i. a certification (set forth below) in accordance with 37 C.F.R. §1.97(e). (If for any reason the certificate set forth below should be unsatisfactory, the Commissioner is provisionally authorized to charge the \$180 fee (37 C.F.R. §1.17(p)) to Deposit Account No. 50-0621. A copy of this sheet is enclosed.)

OR

- ii. the attached fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).
3. The information disclosure statement transmitted herewith is being filed *after* a final action under §1.113 or a notice of allowance under §1.311, or an action that otherwise closes prosecution, whichever occurs first, but before, or simultaneously with the payment of the issue fee.

CERTIFICATION, PETITION AND FEE

- A. In accordance with the requirements of 37 C.F.R. §1.97(d):
- i. Set forth below is a certification as specified in 37 C.F.R. §1.97(e).
 - ii. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. §1.97(d)(ii).
 - iii. Applicant submits the petition fee set forth in §1.17(i)(1). (\$180.00).

CERTIFICATION

(Required if 2Ai or 3 above is marked)

4. I, the person signing below, certify

- that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and was not made in any communication dated more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- that no item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

5. ■ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-0621. A copy of this petition is enclosed.

Respectfully submitted,

MEDTRONIC MINIMED, INC.

Date: August 9, 2004

By: Richard Yoon
Richard K. Yoon
Registration No. 42,247

18000 Devonshire Street
Northridge, CA 91325-1219
(818) 576-4110

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450

on: August 9, 2004
Date of Deposit

Signature: Richard Yoon
Richard K. Yoon, Reg. No. 42,247

FORM PTO-1449 IREV. 7.801	U.S. Department of Commerce PATENT AND TRADEMARK OFFICE	Attorney Docket No. PF00486 DIV	Serial No. 10/816,021
INFORMATION DISCLOSURE STATEMENT		Applicant Garry M. Steil et al.	
		Filing Date March 31, 2004	Group 3736

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date If Appropriate
	AA	60/085,344	5/13/98	Berner et al.			5/13/98
	AB	3,621,357	11/1971	Kubo et al.			8/28/69
	AC	3,826,887	07/1974	Pemberton			12/29/71
	AD	3,834,617	09/1974	Dyntar			5/14/73
	AE	3,986,571	10/1976	Strobel et al.			10/28/75
	AF	4,291,692	09/29/81	Bowman et al.			10/9/79
	AG	4,786,394	11/22/88	Enzer et al.			2/5/87
	AH	5,050,612	9/24/91	Matsumura			9/12/89
	AI	5,068,536	11/26/91	Rosenthal			4/9/91
	AJ	5,497,772	3/12/96	Schulman et al.			11/19/93
	AK	5,507,288	4/16/96	Böcker et al.			5/3/95
	AL	5,569,186	10/29/96	Lord et al.			4/25/94

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub-Class	Translation	
						Yes	No
	AM						

OTHER DOCUMENTS

AN	International Search Report for Application No. PCT/US03/41650.
AO	Von Woedtke, et al., "In situ calibration of implanted electrochemical glucose sensors," Biomed. Biochim. Acta, 48(11-12), 943-952 (1989)
AP	Poitout, V., et al., "Calibration in dogs of a subcutaneous miniaturized glucose sensor using a glucose meter for blood glucose determination," Biosensors & Bioelectronics 7:587-592 (1992)
AQ	Velho, G., et al., "Strategies for calibrating a subcutaneous glucose sensor," Biomed. Biochim. Acta 48(11-12):957-964 (1989)
AR	Schmidtko, D.W., et al., "Accuracy of the One-Point in Vivo Calibration of "Wired" Glucose Oxidase Electrodes Implanted in Jugular Veins of Rats in Periods of Rapid Rise and Decline of the Glucose Concentration," Anal. Chem. 70:2149-2155 (1998)
AS	Csöregi, E., et al., "Design, Characterization, and One-Point in Vivo Calibration of a Subcutaneously Implanted Glucose Electrode," Anal. Chem. 66:3131-3138 (1994)

Examiner

Date Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date If Appropriate
AA	5,665,065	9/9/97	Steil et al.			5/26/95
AB	5,695,464	12/9/97	Vaillet			8/30/96
AC	5,771,890	6/30/98	Tamada			6/24/94
AD	5,813,403	9/29/98	Soller et al.			11/8/95
AE	5,830,133	11/3/98	Osten et al.			6/7/95
AF	5,885,211	3/23/99	Eppstein et al.			8/29/96
AG	6,001,065	12/14/99	DeVito			12/14/99
AH	6,049,727	4/11/00	Crothall			4/3/98
AI	6,088,608	7/11/00	Schulman et al.			10/20/97
AJ	6,180,416	1/30/01	Kurnik et al.			9/30/98
AK	6,233,471	5/15/01	Berner et al.			5/11/99
AL	6,326,160	12/4/01	Dunn et al.			9/27/99
AM	6,416,293	07/9/02	Bouchard et al.			7/20/99
AN	6,424,873	7/23/02	Przyblski			12/30/99

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						Yes	No
	WO 99/58050	11/18/99	PCT				
	WO 00/74753 A1	12/14/2000	PCT	A61M	5/172		
	WO 03/080157 A1	10/2/2003	PCT	A61M	5/142		
	DE 10006044 A1	8/16/2001	DE	A61M	5/14		X

OTHER DOCUMENTS

AS	Bellazzi, Riccardo, et al., "The Subcutaneous Route to Insulin-Dependent Diabetes Therapy", <u>IEEE Engineering in Medicine and Biology</u> , Pages 54-64 (January/February 2001).
AT	Parker, Robert S., et al., "The Intravenous Route to Blood Glucose Control", <u>IEEE Engineering in Medicine and Biology</u> , Pages 65-73 (January/February 2001).
AU	PCT International Search Report for Int'l Application No. PCT/US00/15393.

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	AI						

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							Yes	No
	AJ							
	AK							
	AL							

OTHER DOCUMENTS

AM	Olthuis, W., et al., "pH Sensor Properties of Electrochemically Grown Iridium Oxide". <u>Sensors and Actuators B</u> , 2 (1990), pgs. 247-256.
AN	Olthuis, W., et al., "Preparation of Iridium Oxide and its Application in Sensor-Actuator Systems." <u>Sensors and Actuators B</u> , 4 (1991), pgs. 151-156.
AO	Once Daily Glucotrol XL®(glipizide) extended release, May 1996; 45(suppl 2): 123A, Abstract 450.

Examiner

Date Considered

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